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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

THOMAS W. MCNAMARA, as the Court-  
Appointed Receiver for Ideal Financial  
Solutions, Inc.; Ascot Crossing, LLC; Chandon  
Group, Inc.; Bracknell Shore, Ltd.; Fiscal  
Fitness, LLC; AvaniX, LLC; Debt Elimination  
Systems, LLC; US Debt Relief, LLC; Money  
Mastery, LLC; US Debt Assistance Corp.; IWB  
Services (St. Kitts); Financial Fitness, LLC;  
Debt to Wealth, LLC (St. Kitts); Debt to  
Wealth, LLC (Nevada); Ideal Goodness, LLC;  
Dollars West, LLC; Fluidity, LLC; Newport  
Sails, LLC; Shaw Shank, LLC; Bunker Hillside,  
LLC; Funding Guarantee, LLC; Newline Cash,  
LLC; Wealth Fitness, LLC; Zeal Funding  
Services, LLC; and related subsidiaries and  
affiliates,

Plaintiff,

v.

VOLTAGE PAY INC., a Canadian corporation  
doing business as voltagepay.com, Voltage  
Payments, Inc., and Voltage Pay LLC; KEVIN  
LEWIS; JETY HOLDINGS, a company of  
unknown origins; DAVID SHEHKTER;  
2170773 ONTARIO LIMITED, a Canadian  
corporation; and ROES 1-10.

Defendants.

**Case No. 2:15-cv-02177-JAD-GWF**

**JOINT MOTION AND STIPULATION  
TO EXTEND EXPERT DEADLINES  
(Fifth Request)**

Related Case:

*Federal Trade Commission v. Ideal Financial  
Solutions, Inc. et al.*, District of Nevada, Case  
No. 2:13-cv-00143-JAD-GWF

Pursuant to Fed. R. Civ. P. 16(b)(4), LR IA 6-1, LR IA 6-2, and LR 26-4, Plaintiff, Thomas W. McNamara (the “Receiver” or “Plaintiff”), in his capacity as the Court-Appointed Receiver for Ideal Financial Solutions, Inc.; Ascot Crossing, LLC; Chandon Group, Inc.; Bracknell Shore, Ltd.; Fiscal Fitness, LLC; Avanix, LLC; Debt Elimination Systems, LLC; US Debt Relief, LLC; Money Mastery, LLC; US Debt Assistance Corp.; IWB Services (St. Kitts); Financial Fitness, LLC; Debt to Wealth, LLC (St. Kitts); Debt to Wealth, LLC (Nevada); Ideal Goodness, LLC; Dollars West, LLC; Fluidity, LLC; Newport Sails, LLC; Shaw Shank, LLC; Bunker Hillside, LLC; Funding Guarantee, LLC; Newline Cash, LLC; Wealth Fitness, LLC; Zeal Funding Services, LLC; and any other entities that are part of these entities’ common enterprise, including their subsidiaries and affiliates (collectively the “Receivership Entities”), and Defendants Voltage Pay Inc., Jety Holdings, Kevin Lewis, David Shehkter and 2170773 Ontario Limited (collectively, “Defendants” and, with Plaintiff, the “Parties”) jointly stipulate and move to extend certain dates included in the Court’s Scheduling Order (ECF No. 72) regarding the expert witnesses in this case. This is the fifth request for an extension of time. Good causes exists to support this motion, as explained below:

A. Completed Discovery

The following discovery has occurred:

Plaintiff has served Defendants with the following items:

1. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1);
2. First Set of Interrogatories;
3. First Set of Requests for Production of Documents;
4. First Set of Requests for Admissions; and
5. Second Set of Request for Production of Documents.

In addition, Plaintiff has produced over 40,000 pages of documents and approximately 39 GB of electronic data that are not conducive to Bates-stamping (i.e., zipped files, Excel files, Outlook PST files, etc.).

Plaintiff deposed Defendants David Shehkter and Kevin Lewis, in their individual capacities as well as a representative of Voltage Pay Inc., Jety Holdings, and 2170773 Ontario

1 Limited.

2 Plaintiff served a subpoena upon Turin Consulting, LLC, received a declaration from  
3 Turin Consulting's witness in response, and provided a copy of that declaration to the Plaintiff.

4 Plaintiff served a subpoena for documents upon "NACHA – The Electronic Payments  
5 Association" ("NACHA") on May 8, 2017, and continues to receive a rolling production of  
6 documents in response, with the most recent production being made on July 28, 2017.

7 Plaintiff served a subpoena upon Payment Data Systems Inc. ("PDS") in 2013 and then  
8 again on February 17, 2017, received documents in response to the subpoena, and deposed PDS's  
9 witness on March 10, 2017. Post-deposition, PDS continues to produce documents in response  
10 the Plaintiff's subpoena, with their most recent production being made on July 31, 2017.

11 Defendants have served Plaintiff with the following items:

- 12 1. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1);
- 13 2. First Set of Interrogatories by Defendant Voltage Pay;
- 14 3. First Set of Requests for Production of Documents by Defendant Voltage Pay;
- 15 4. Second Set of Requests for Production of Documents by Defendant Voltage  
16 Pay;
- 17 5. First Set of Interrogatories by Defendant Shehkter; and
- 18 6. First Set of Requests for Production of Documents by Defendant Shehkter.

19 Defendants have deposed Plaintiff. In addition, Defendants have produced nearly 2,000  
20 pages of documents in response to Plaintiff's request for production of documents and  
21 interrogatories. Defendants have produced supplemental responses to the Plaintiff's first set of  
22 requests for admission.

23 Defendants served a subpoena on Fifth Third Bank to produce certain bank records,  
24 received the records, and provided a copy of the records to Plaintiff.

25 At least three meet and confer conferences have taken place between the parties, as well  
26 two meet and confer conferences between the Plaintiff and PDS.

27 The Plaintiff disclosed two expert witnesses, and the Defendants disclosed a rebuttal  
28 expert witness.

B. Incomplete Discovery

The Parties continue to receive productions from third parties. For example, PDS has committed to produce further documents and a declaration in response to the Plaintiff's subpoena. NACHA may produce further documents as well.

C. Reason for Extending Discovery Plan Deadlines

The parties wish to extend the deadline to exchange expert reports in anticipation of the experts' need to consider information within forthcoming document productions by third parties in response to the Plaintiff's subpoenas. For example, PDS is a third-party payment processing company which executed many of the merchant transactions at issue in this case. Both parties believe that PDS is a significant source for financial and transaction records, but they disagree on the exact nature of this issue. The Receiver contends that Voltage Pay has failed to produce necessary accounting records, or to justify what accounting it has provided as compared to bank records. Voltage Pay contends that it no longer has access to PDS accounting data that would enable it to verify with certainty specific bank activity relating to reserve balances maintained on behalf of the Receivership Entities. PDS's records may provide the basis needed to facilitate a settlement between the parties, or, in the alternative, the records may become an important basis of factual information for the experts' reports in this case. Any forthcoming NACHA document productions may contain relevant factual information for the experts as well. Because extending the deadline to exchange reports would necessitate extending the deadlines to exchange rebuttal expert reports and to take expert depositions, new deadlines are proposed for those events as well.

D. Proposed Schedule for Completing All Remaining Discovery

The Parties seek to amend the Scheduling Order to extend each deadline by ten (10) days as follows:

		<b>Current Date</b>	<b>Proposed New Date</b>
1.	<b>Last date to exchange expert reports</b>	August 7, 2017	August 17, 2017
2.	<b>Last date to exchange rebuttal expert reports</b>	August 21, 2017	August 31, 2017
3.	<b>Last date to complete expert discovery</b>	Sept. 4, 2017	Sept. 15, 2017

1 **CONCLUSION**

2 For the above-stated reasons, the Parties respectfully request that this Court enter an Order  
3 approving this Joint Stipulation to Extend Expert Deadlines using the new deadlines noted above.

4 IT IS SO STIPULATED.

5 Dated: August 2, 2017

Dated: August 2, 2017

6 By: /s/ Sara J. O'Connell

By: /s/ David P. Steiner


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11 **ORDER**

12 IT IS SO ORDERED:

13 DATED: 8/3/2017

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15 HON. GEORGE FOLEY, JR.  
16 UNITED STATES MAGISTRATE JUDGE  
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